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# THE RESEARCH REVIEW

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The THP mascot visits the Transportation Committee.

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# agriculture

Jeremy Maxwell

The Agriculture Committee had one bill on notice and also heard two presentations.

*The following bill was deferred two weeks:*

**HB 537 (Bell)** as introduced, requires posting of signs stating that smoking is permitted in establishments, instead of signs stating that smoking is prohibited.

The committee heard from Joe Gaines, Department of Agriculture, who spoke on producer diversification in the Tennessee's Agricultural Enhancement Program (TAEP). For every dollar of TAEP investment, it generates \$4.64 for rural economies. This translates into \$173 million into rural communities.

Industries participating in the producer diversification program (FY 05-06 through FY 08-09):

Agritourism – 86 projects - \$575,081  
Aquaculture – 11 projects - \$50,576  
Honey Bees – 63 projects - \$109,420  
Fruits and Vegetables – 101 projects - \$429,657  
Organics – 31 projects - \$175,896  
Horticulture – 146 projects - \$785,111  
Value-added products – 33 projects - \$190,608  
Viticulture – 83 projects - \$499,503

Adam Hill, Department of Agriculture, gave a presentation on the current situation of prohibiting horse slaughter facilities in Tennessee and other states. In July 2008, USDA Appropriations continued the prohibition on using appropriated funds to inspect horses prior to slaughter for human food and prohibited the collection of user fees. Tennessee is one of five states that are proposing amending state laws to promote private investment in plant development. HB 1361 deletes packaging and labeling requirements for horsemeat. All horse slaughter plants were ordered to close down. This left the owners of an estimated 100,000 horses annually in the U.S. who are estimated to have an over \$200 million increased cost of dealing with unwanted horses. The estimated costs to maintain an unwanted horse is \$2,200 annually. Horses are slaughtered when their value as riding or working animals is low. Tennessee ranks second in the nation in terms of the number of horses.

# children & family affairs

Amelia Mitchell



The **Children & Family Affairs Committee** met on Wednesday, March 11<sup>th</sup> and heard the following bills:

The following bill was passed to Calendar & Rules:

**HB 805 by Rep. Campfield** provides that a man proved by genetic testing not to be the father of child is not liable for child support after receipt of the paternity test.

The following bills were deferred one week:

**HB 804 by Rep. Campfield** as amended permits parents called to active military service that requires them to be out of state for more than 90 days to petition the court to assign their visitation rights during their absence to another person approved by the court.

**HB 66 by Rep. Fincher** removes a provision that allows a court to dismiss a divorce or legal separation complaint because the complaint lacks required information.





*Rep. Cooper*

The **Family Justice Subcommittee** met on Tuesday, March 10<sup>th</sup> and deferred the following bill one week:

**HB 677 by Rep. Cooper** authorizes individuals who provide court ordered supervised visitation to seek monetary relief from the court if a parent is unable to pay for the specified visit. It

requires both parents to share the cost of the supervised visit, unless one parent is found to be at fault by creating the need for the supervised visits.

The **Domestic Relations Subcommittee** did not meet this week.

## commerce

Todd A. Staley, Esq.

The **Commerce Committee** met on Tuesday to consider three bills.

**HB 1438 (Sargent)** allows the Commissioner of Commerce & Insurance to “approve” the assigned risk plan instead of “establishing” such plan. The bill simply matches the law with the current practice of the department.

*[passed to Calendar & Rules]*

**HB 595 (Coleman)** cleans up some typographical errors in the Tennessee Condominium Act of 2008. It also clarifies that a homeowner’s association can make assessments to cover government mandates even if the development was established before January 1, 2009.

*[rolled for one week]*

**HB 971 (McCord)** expands the definition of “all-terrain vehicle” in the Motorcycle and Off-Road Vehicle Act. The bill increases the weight and engine size to better reflect the changes in the market of the vehicles being sold today. An amendment was adopted to keep the current statutory language of “low pressure tires” instead of “non-highway tires” as used in the original bill.

*[rolled for one week]*

Next week the full committee will hear a presentation from Laurie Lee, Executive Director of Benefits Administration, Cover Tennessee.

### Utilities and Banking Subcommittee

The **Utilities and Banking Subcommittee** met on Tuesday to consider two bills.

**HB 1698 (McCormick)** would allow any incumbent telephone service provider to operate under market regulation instead of price regulation through the Tennessee

Regulatory Authority.

Current regulations require AT&T to use a statutory formula enacted in 1995 while their competitors are not bound by the same regulations.

TRA Director Eddie Roberson estimated that this bill would allow AT&T to have statewide flat rates and offer more bundled services similar to what their competitors currently

offer. Greg Morton of AT&T testified

that AT&T’s competitors can now offer bundled services without regulation while AT&T is still bound by the 1995



*Rep. McCormick*

formula. The subcommittee also heard from Caroline Ridley of TW Telecom. The bill was rolled for two weeks to allow all parties to work on an amendment.  
*[rolled for two weeks]*

**HB 738 (Mumpower)**  
*[rolled for two weeks]*

### **Small Business Subcommittee**

The **Small Business Subcommittee** met on Tuesday to consider one bill.

**HB 1375 (Johnson P)** requires persons appointed to Tennessee Home Inspection Advisory Committee to be licensed home inspectors and also to be from one of the five associations of home inspectors. The bill was rolled for one week while an amendment is being drafted.  
*[rolled for one week]*



*Rep. Johnson*

### **Industrial Impact Subcommittee**

The **Industrial Impact Subcommittee** met on Wednesday to consider three bills.

**HB 978 (McCord)** would allow the Board of Accountancy to extend the time for completing the education requirements more than 200 days after the CPA exam if the

applicant shows good cause. Additionally, a student who takes the CPA exam would be able to learn the results before graduation. This allows a student to take additional courses before retaking the exam. An amendment was adopted that fixes a typographical error in the current statute.  
*[passed to full committee]*

**HB 475 (Fraley)** would prohibit an insurance company from using a person's credit score to cancel, deny, or increase premiums on homeowners and renters policies. Scott White of State Farm testified before the subcommittee. Currently, a person's credit may not be the sole factor for approval or determining the premium,

but it can be among the 15-20 other factors used by the industry. If a person has no credit history, then it is treated as a neutral factor. The industry believes the credit score is an important factor since it has been shown that credit scores can indicate risk. There was some discussion from the committee on possibly amending the bill to set a dollar amount on the credit infraction before the credit score can be used. The bill was rolled for three weeks to allow more information to be collected.  
*[rolled for three weeks]*

**HB 1553 (Montgomery)**  
*[taken off notice]*



*Rep. Fraley*

# conservation & environment

Jeremy Maxwell



*Chairman McCord*

watersheds and the control of pollution to assure future quality of potable drinking water supplies throughout the state.

Pursuant to T.C.A. 69-3-109, the department's report stated that 231 enforcement orders were issued including commissioner's and the director's orders in 2008. One hundred, seventy-eight enforcement orders were not contested and became final. The average civil penalty (including damages) associated with these orders is \$6,359. The board approved and finalized 27 orders that had previously been contested. The average civil penalty (including damages) associated with these orders is \$32,500. Fifteen water quality cases were filed in either chancery or general sessions court including 3 complaints, 1 appeal and 11 collection cases.

The department received 734 individual permit applications for activities authorized under T.C.A. 69-3-108. During 2008, the average length of time between the date of individual permit application and the date the department deems the application complete was 20 days. The length of time between the date of individual permit application and the date the department grants or denies the application was 87 days.

Public Chapter 1045 of 2008 required the commissioner to submit a report that includes a feasibility study concerning the development of an online subsurface sewage disposal system permitting process. This study

The Conservation and Environment Committee had no bills on notice, but it did meet to hear presentations by the Department of Environment and Conservation. The department had reports required by statute to present to the committee.

T.C.A. 69-3-107(24) requires the commissioner to prepare a report for the protection of

also addressed the prospective application funding for the establishment of the permitting process and other relevant issues.

## Wildlife Subcommittee

The Wildlife Subcommittee met Tuesday to consider two bills.

**HB 569 (Shepard)** passed to *full committee*. This bill authorizes the Tennessee Wildlife Resources Agency to issue free sport hunting and fishing licenses to Tennesseans who are 100 percent disabled and receive social security benefits.

**HB 958 (McCord)** was *deferred one week*. As introduced, this bill increases from 30 to 45 days the time in which person cited for not wearing flotation device must provide proof of legal age; extends from 30 to 45 days time for proving age may be extended at discretion of officer.

The committee also heard from Ed Carter, the new TWRA Executive Director.



*Rep. Shepard*

## Parks Subcommittee

The Parks Subcommittee met Wednesday to consider two bills.

*The following bills were deferred two weeks:*

**HB 1308 (Harmon)**

**HB 2111 (Borchert)**

## Environment Subcommittee

The Environment Subcommittee did not meet this week.



# consumer & employee affairs

Lucy Wilson

House Consumer & Employee Affairs Committee did not meet this week, nor did the two subcommittees, House Consumer Affairs Subcommittee, and House Employee Affairs Subcommittee.

## education

staff



*Chairman Brooks, Vice Chair Winningham*

The **House Education Committee** met Wednesday, March 11<sup>th</sup> with eight items on the agenda.

*Sent to Calendar and Rules:*

**HJR 0060 (Winningham)** directs Education Oversight to review and make any necessary recommendations on the current policy for allocating and distributing BEP teacher supply funds.

Reports are to be made to both House and Senate Education Committees in December.

**HJR 0051 (Cooper)** urges the Department of Education to promote the teaching of the history of the labor movement in this country.

**HJR 0015 (H. Brooks)** directs Education Oversight to study the state's system of funding public education on the local level and consider providing local boards with fiscal independence.

*Rolled to future meetings:*

**HJR 0033 (Lollar)** requires the state board to devise and implement ways for LEAs to encourage high school students to complete at least one application to an institution of higher education. *(one week)*

**HB 0248 (H. Brooks)** permits career and technical classes to exceed class size limits, provided that physical safety precautions are not required, that such classes do not impair instruction, and that limits do not exceed that of academic classes in grades 7-12. *(two weeks)*

**HB 1107 (Maddox)** requires public and private higher education institutions to accept, in lieu of the MMR vaccination, the results derived from an antibody titer test as proof of immunization from measles, mumps and rubella. *(six weeks)*

**HB 0921 (Eldridge)** removes the restriction that commercial ads on school buses be in black and white. Two amendments were presented – the first makes the bill and allows ads to be in color, the second stipulates that ads cannot contain those products that children cannot buy in school, such as certain foods or drinks. The amendments were not adopted; they will be addressed at the next meeting. *(one week)*



*Rep. Lollar*

**HB 0849 (Mumpower)** authorizes human resource agencies to apply for grants and implement statewide the “Mortal Kombat” intervention program. (*one week*)

*Speakers:*

The full committee also heard from Finance and Administration Commissioner Dave Goetz who presented a brief update on stimulus funds as they will relate to education.

**K-12 Subcommittee**

The K-12 Subcommittee met with 23 items on the agenda.

***Heard and rolled 2 weeks:***

**HB 0092 (Cobb J, Matheny)** As introduced, allows school buses to be used up to 20 years of service, subject to annual safety inspections, by extending permissible, yearly waiver limit for their service life after initial 12 years of service from current three years to eight years. An amendment follows the bill.



*Rep. Cobb*

***Rolled 1 week:***

(The following rolled bills, as introduced, deal with curriculum.)

HB 0557 Kelsey  
HB 0562 Kelsey  
HB 0812 Campfield  
HB 0821 Campfield  
HB 0947 Lynn  
HB 1213 Coley  
HB 1371 Kernell  
HB 1647 Jones U  
HB 0285 Coley

HB 0376 Coley

***Rolled 2 weeks:***

HB 0967 Fincher  
HB 1208 Winningham  
HB 1388 Halford  
HB 1493 Brooks H  
HB 1530 Sargent

***Rolled 2 weeks:***

(The following bills, as introduced, deal with curriculum.)

HB 0836 Moore  
HB0868 Brooks K  
HB 1364 Miller L

(The following bill, rolled 3 weeks, as introduced, deals with curriculum.)

HB 1441 Harwell

***Moved to the heel of the last calendar:***

HB 0967 McCord

***Taken off notice:***

HB 1866 Brown

**Higher Education Subcommittee**

The Higher Education Subcommittee met on Tuesday, March 10<sup>th</sup> and again on Wednesday, March 11<sup>th</sup>.

On Tuesday, the subcommittee had two bills on the agenda. **HB 0678 (Cooper)** was rolled until the subcommittee considers its calendar of lottery bills. The bill requires THEC’s annual report on lottery programs be made to Education Oversight and adds the lottery implementation law to the authorizing laws for disposition of lottery proceeds. **HB 0401 (Fraley)**, a tuition discount bill for children of retired teachers, was taken off notice.

On both Tuesday and Wednesday, the Higher Education Subcommittee heard presentations from the Tennessee Lottery, and from officials from higher education. David Wright, Chief Policy Officer with the Tennessee Higher Education Commission (THEC), and Andy Davis, Chief Financial Officer with the Lottery Corporation spoke on Tuesday on current and projected lottery disbursements. On Wednesday, Dr. Richard Rhoda, Executive Director of THEC, Dr. Katie High, Chief of Staff for acting UT President Jan Simek, and David Gregory, Vice Chancellor for Administration and Facilities with the Tennessee Board of Regents spoke on the status of higher education.



# finance, ways & means

Julie Travis & Patrick Boggs

The House Finance, Ways & Means Committee did not have any bills on calendar, but still met on Tuesday, March 10, 2009 to hear a brief presentation by the Deputy to the Governor, John Morgan. Deputy Governor Morgan spoke on the framework for the allocation of federal dollars to the state from the U.S. Economic Recovery Act and the administrative oversight



*Dep. Gov. Morgan*

of those funds as required by the federal government.

Mr. Morgan will be working closely with Mr. Charles Harrison, who has been designated as the Special Assistant to the Governor for Recovery Act Administration. Mr. Harrison will have a multi-agency team including planning and policy staff in the Department of Finance and Administration, one

person from Finance & Administration's Division of Accounts, one person from the Office of Information Resources, and one person working fulltime on the team from the Division of Budget, also from within Finance & Administration. This team will pair the specific budget analyst for each agency receiving stimulus dollars with a specific point person within the agency. This is done so that budget language may be written correctly to optimize direction of the dollars when they start to flood in. Also, special, more discreet attention must be given to the tracking of these specific funds to ensure accuracy and accountability in the disbursement of these dollars. The Office of Information Resources is involved due to strict requirements for transparency established by the federal government. The federal government wants real time information about states' spending of these monies directly feeding into and posted on the federal recovery website: [www.recovery.gov](http://www.recovery.gov).

All Recovery Act funds are non-recurring funds; some funds will come in two waves, but are still only one-time funds. Some dollars expand existing programs, an

example of which would be Community Development Block Grants. Of these existing programs, some already have formulas designed for their allotment; while other programs will require innovative ways to be designed for the disbursement of funds. Other categories within the act enact completely new programs, where the state will have the opportunity to design specific programs around the availability of dollars, thus ensuring that these funds are properly allocated within Tennessee and are not reverted back to the federal government for redistribution to other states. Most funds are earmarked, i.e., having specific directions as to where and how they may be spent, while other funds do not. Mr. Morgan tried to dispel any misconceptions of the final version of the legislation by stating that there is no funding category available for general projects for local or state governments.

The administration plans on using what discretionary funds are available to minimize immediate layoffs of state employees. The largest category where Recovery Act dollars will arrive is the increase in the federal match rate for Medicaid. Education funds make up the second largest category of fiscal stabilization funding. The administration is also looking at innovative ways to go beyond current spending formulas in order to spend some of the dollars, such as pairing with other states for interstate transportation corridor development.

## **Budget Subcommittee**

On Wednesday, March 11, 2009, the Budget Subcommittee of the House Finance, Ways, and Means Committee met with seven bills on its calendar. Subcommittee action on these bills are as follows:

## **Deferred for One Week:**

**HB 509 (Coleman)** – per sponsor's request

## **Deferred for Two Weeks:**

**HB 85 (Fraley)** – per sponsor's request

**HB 111 (Bell)** – committee roll (to keep both HB 85 and 111 together)

## **Off Notice:**

**HB 1290 (Casada)** – per sponsor's request

## **Referred to Full Committee:**

**HB 213 (Harmon)** – Highway sign bill: Designates the segment of State Route 2 located in the Battle Creek

community of Marion County from the western corporate limits of the Town of Kimball to its intersection with I-24 at the Martin Springs exit as the Sheriff Ernest Haskew Memorial Highway and directs the Department of Transportation to manufacture and erect suitable signs. The Transportation committee previously amended the bill to have a non-state funding source for the bill. The Budget Subcommittee instead amended the bill to specify which local entity would pay for the signage. In this case, it will be Marion County that will oversee the funding of this expenditure.

**HB 216 (Harmon)** – KIA Highway sign bill: Designates the segment of State Route 56 from the southern corporate limits of the City of Altamont to the northern corporate limits of the City of Beersheba Springs as the Deputy Anthony Shane Tate Memorial Highway and directs the Department of Transportation to manufacture and erect suitable signs. The

Transportation Committee previously amended the bill requiring funding in accordance with TCA §54-1-133, as Deputy Tate was killed in the line of duty while serving in Grundy County. The Budget Subcommittee amended the bill to correct a typographical error found within the bill.

**HB 298 (Pitts)** – Highway sign bill: Designates the road known as “Dover Crossing” in the City of Clarksville in Montgomery County as the Charles ‘Chuck’ Duncheskie Memorial Parkway and directs the Department of Transportation to erect suitable signs. The resulting appellation of the parkway being named for Mr. Duncheskie is one for honorary purposes only and will not require any addresses to be altered. The bill will take effect only if the City of Clarksville remits the estimated cost of such signs to TDOT within one year of the effective date of the act.

## government operations

Amber Rice



The **Government Operations Committee** met on March 11th to consider fourteen bills.

**HB 581 by Rep. Fincher** was deferred for two weeks.  
**HB 1095 by Rep. Lynn** was deferred for one week.  
**HB 1273 by Rep. Kernell** was taken off notice.

The following Sunset bills were moved to a consent calendar and passed out to **Calendar and Rules**. These bills are as follows.

**HB 1008 by Rep. Lynn**- extends Advisory Council for Education of Students with Disabilities to June 30, 2015.  
**HB 1009 by Rep. Lynn**- extends Advisory Council on Teacher Education and Certification to June 30, 2015.  
**HB 1024 by Rep. Lynn**- extends Department of Tourist Development to June 30, 2013.  
**HB 1033 by Rep. Lynn**- extends State Textbook Commission to June 30, 2014.  
**HB 1041 by Rep. Lynn**- extends Tennessee Public Television Council to June 30, 2014.  
**HB 1049 by Rep. Lynn**- extends Film, Entertainment, and Music Commission to June 30, 2014.  
**HB 1074 by Rep. Lynn**- extends Cemetery Advisory Board to June 30, 2011.  
**HB 1088 by Rep. Lynn**- extends Southern Growth Policies Board to June 30, 2015.  
**HB 1101 by Rep. Lynn**- extends James K. Polk Memorial Association to June 30, 2015.

The House committee also met in Joint Committee with the Senate Government Operations committee to conclude the hearing of **HB 1084 by Rep. Lynn (SB 378 by Sen. Johnson)** extending the Department of Safety to June 30, 2010. After a brief discussion, a motion was made to amend the bill to extend the

Department of Safety an additional year to June 30, 2011. This would give the Department a reasonable amount of time to correct the audit findings. The bill was then passed as amended to **Calendar and Rules**.

# health & human resources

Judy Narramore

The **Health & Human Resources Committee** met Tuesday, March 10, 2009, with three bills on calendar. **HB 0340 (Hensley)** that changes from quarterly to annually the minimum number of times the Committee for Clinical Perfusionists must meet was referred to FW&M. **HB 1109 (Shepard)** that grants the Director of the Board of Pharmacy authority to issue subpoenas for witnesses and records and to administer oaths to witnesses was referred to C&R. Rep. Moore renewed his motion on **HB 0093** as amended that revises existing statute to require nursing homes to have criminal background checks completed on direct care employees prior to employment. After an extended discussion of the proposed committee amendment that would define "direct care," the committee rolled HB 0093 two weeks for further review.

After completing the calendar, Commissioner Dave Goetz, Finance & Administration, gave a power point presentation on Tennessee's eHealth Network.

Commissioner Goetz concluded his remarks by stating the reason for the eHealth Network is to improve the quality of care for Tennesseans.



*Chairman Armstrong*

public hearing calendar will be on notice for the respective subcommittee meeting next week. Any time

remaining after the full committee meeting next Tuesday, March 17<sup>th</sup>, will be committed to a Public Health & Family Assistance Subcommittee meeting.

## Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Tuesday morning, March 10, 2009, with four bills on calendar, referring two to full committee. **HB 0319 (Jones S)** states that the Department of Health will accept information updating a physician or osteopathic physician provider profile if the information is received from either the provider or the provider's medical malpractice carrier. The carrier must attest in writing that it is the provider's malpractice carrier that has made the payment and that the carrier has confirmed in writing to the provider that the information has been reported to the



*Rep. Jones*

Department to update the provider's profile. **HB 0462 (Odom)** creates a Class A misdemeanor offense for a person (non-TennCare enrollee) who deceives or fails to disclose to a health care provider from whom the person obtains a controlled substance or prescription for a controlled substance the fact that the person has received the same or similar controlled substance or prescription for the controlled substance from another provider within the past 30 days; requires providers who have good reason to believe a person has obtained or attempts to obtain controlled substances in violation of this legislation to report such activity within three



business days to the local law enforcement agency; and, states providers acting in good faith to contact local law enforcement would be immune from civil liability. Several subcommittee members asked Rep. Odom to consider adding pharmacists to this bill. **HB 0394 (Fincher)** was rolled 2 weeks at the request of the sponsor. **HB 1495 (Maggart)** was rolled one week at the request of the sponsor.

### **Public Health & Family Assistance Subcommittee**



*Pub. Health Chair Hensley*

The **Public Health & Family Assistance Subcommittee** meeting scheduled for Tuesday afternoon, March 10<sup>th</sup> was canceled. Rep. Hensley took **HB 0547** off notice and rolled **HB 1828** one week.

### **Health Care Facilities Subcommittee**

The **Health Care Facilities Subcommittee** met Wednesday afternoon, March 11, 2009, with four bills on calendar, referring



*Rep. Richardson*

two to full committee. **HB 0702 (Brooks K)** as amended exempts from licensure by the Department of Mental Health & Developmental Disabilities and the Department of Human Services facilities operated by nonprofit entities that provide educational services to persons over 18 with mental retardation and that do not receive state

or federal funds for providing such services. The verbal amendment adopted by the subcommittee will specifically address that the state will assume no liability for such facilities. **HB 1877 (Richardson)** as amended clarifies that both current residents and new admissions qualify for hospice care in an assisted-care living facility and requires that hospice care be available 24/7 pursuant to the patient's hospice plan of care. **HB 0684 (Cooper)** was rolled one week at the request of the sponsor. Rep. Fincher offered **HB 1737**, requested a recess to hear from a representative of AARP, and distributed an AARP report concerning *Quality of Care and Litigation in Tennessee Nursing Homes*; the subcommittee then rolled HB 1737 two weeks.

### **Public Hearing before the Health & Human Resources Committee**

The Health & Human Resources Committee held a **public hearing on legislation related to reproductive health** on Wednesday afternoon, March 11, 2009. Five House Joint Resolutions and 10 bills were on the hearing calendar: HJR 0061 (Fincher), 0066 (Maggart), 0088 (Curtiss), 0127 (Kelsey), 0132 (Camper) and HBs 0025 (Hardaway), 0436 (Shipley), 0445 (Maddox), 0638 (Maggart), 0807 (Campfield), 0819 (Campfield), 0862 (Mumpower), 1586 (Curtiss), 2106 (Fincher), 2204 (Maddox). Bill sponsors were given an opportunity to present their legislation and respond to committee questions. In addition, proponents and opponents of the abortion legislation on calendar were given an opportunity to address the committee. Lastly, as previously announced by Chairman Armstrong, legislation on the public hearing calendar will be on notice for the respective subcommittee meeting on March 17<sup>th</sup> or 18<sup>th</sup>.

The **House Judiciary Committee** (Chairman Coleman) met on Wednesday, March 11, 2009, with 20 bills on calendar.

## **Presentations:**

Metro Nashville Police Chief Ronal Serpas and Knox County District Attorney General Randy Nichols addressed the committee concerning their reasons for supporting legislation which would move aggravated robbery from a Class B felony to a Class A felony.

## **Moved to Calendar & Rules:**

**HB 0962 (Todd)**, as amended, allows a person with a handgun carry permit to carry a firearm in restaurants that serve alcoholic beverages, except when the restaurant is age-restricted or between the hours of 11 pm and 5 am. Amendment #1 rewrites the bill.

**HB 0046 (Evans)** prohibits the department of safety (or any department-approved handgun safety course employee) from requiring an applicant for a handgun carry permit to furnish any identifying information concerning any handgun the applicant owns or possesses.

**HB 0082 (Shaw)**, as amended, authorizes current and retired judges who possess a handgun carry permit to carry a firearm under the same circumstances and conditions as law enforcement officers and correctional officers. Amendment #1 rewrites the bill.



*Rep. Fincher*

**HB 0815 (Campfield)** expands the offense of aiming a laser pointer or other device at a law enforcement officer to include aiming at firefighters, emergency medical technicians, or other emergency service personnel.

**HB 0390 (Fincher)** permits handgun carry permit holders to possess or carry a loaded rifle, loaded

shotgun, or loaded magazine or clip therefore while in a motor vehicle.

**HB 0070 (Fincher)**, as amended, deletes the subsection in the self-defense law providing that a person is not justified in using deadly force to prevent or terminate the other's trespass on real estate or unlawful interference with personal property. Amendment #1 clarifies the language with respect to real estate and personal property.

**HR 0018 (Coleman)** approves the amendments and revisions to the Rules of Civil Procedure concerning the discovery of electronically stored information, promulgated by the Tennessee Supreme Court.

**HB 1452 (Coleman)**, as amended, confers immunity from civil action upon a victim of a crime for the testimony given at the offender's parole hearing, unless such testimony is intentionally false or defamatory. Amendment #1 makes grammatical changes only.

## **Moved to Finance, Ways & Means:**

**HB 0351 (Hackworth)** creates new Class D and E felony offenses of assault on a law enforcement officer, and it creates a Class B felony offense of aggravated assault on a law enforcement officer.

**HB 0582 (Fincher)** broadens the offense of second degree murder to include knowingly or intentionally throwing any object (including, but not limited to, a rock) at, on, or into any motor vehicle that results in the death of another.

**HB 0392 (Fincher)** establishes a criminal offense punishable as theft for intentionally mishandling pension funds. It also establishes a civil cause of action against the violator for reimbursement of funds and profits associated with such activity.



*Rep. Hackworth*

**HB 0063 (Fincher)** enacts the “Tennessee Taxpayer and Citizen Protection Act.”

**Moved to Government Operations:**

**HB 0062 (Fincher)**, as amended, enacts the “Tennessee Immigration Compliance Act.” Amendment #1 states that if a jailer cannot determine the lawful citizenship status of an arrestee, then the jailer must notify (via fax or other appropriate means) the U.S. Department of Homeland Security

**Rolled 1 week:**

HB 1665 (Todd).  
HB 0960 (Tindell).  
HB 0620 (Maggart).  
HJR 0032 (West).  
HB 0703 (Watson).  
HB 0959 (Bass).  
HB 0218 (Fincher).

The **Civil Practice & Procedure Subcommittee** (Chairman Kelsey) met on Tuesday, March 10, 2009 with 12 bills on calendar.

**Sent to the Judicial Council & Rolled to March 31, 2009:**

**HB 0676 (Cooper B)** requires the Administrative Office of the Courts to post signs in each courtroom in the state that details a “Litigant’s Bill of Rights.”

**HB 0680 (Cooper B)** permits a person to video record any public proceeding in a court of record. It also requires juvenile courts to video and audio record court proceedings and to make those recordings available to the parties for public proceedings or with the permission of the court.

**HB 0682 (Cooper B)** requires the Court of the Judiciary to appoint a liaison to the General Assembly to report on certain matters.

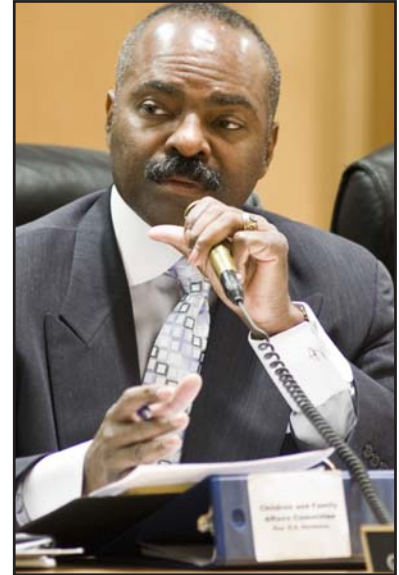
**HB 1379 (Johnson P)** allows a criminal court or clerk to convert a defendant’s unpaid fines, costs, and litigation taxes at the time of the sentence expiration to a civil judgment, and it allows the court to enter into an agreement with the defendant to perform community service work in lieu of payment of such fines, costs, and taxes.

**To the full Committee:**

**HJR0004 (Hardaway)**, as amended, establishes a special joint legislative study committee to study issues relating to unsolved civil rights crimes. Amendment #1

removes the fiscal impact by requiring the special joint committee to meet only on days when the General Assembly has scheduled a floor session or on days standing committees are scheduled to meet.

**HB 1451 (Coleman)** adds the committee of a medical group practice to the definition of a medical review committee.



*Rep. Hardaway*

**HB 0069 (Fincher)** prohibits a party in a divorce proceeding from testifying against the party’s incapacitated or mentally incompetent spouse.

**Rolled:**

HB 0645 (Montgomery): 1 week.  
HB 1384 (Maggart): 1 week.  
HB 1576 (Johnson P): March 31st

**Taken Off Notice:**

HB 1855 (Montgomery).  
HB 0012 (Kelsey)

The **Criminal Practice & Procedure Subcommittee** (Chairman Watson) met on Wednesday, March 11, 2009 with 27 bills on calendar.

**Moved to the full Committee:**

**HB 0814 (Campfield)**, as amended, imposes criminal penalties upon persons who have hepatitis B or C, and who do not tell persons to whom it could be transmitted. Amendment #1 includes the language concerning hepatitis C.

**HB 0748 (Montgomery)** creates the Class A misdemeanor offense of possessing a tool or device designed to thwart a retail merchandise security device.

**HB 0483 (Harwell)**, as amended, requires law enforcement agencies to report a missing child to the National Crime Information Center (NCIC) within two hours of receiving a missing child report. Senate



Amendment #1 makes the bill: law enforcement agencies are to enter the information, or cause the information to be entered, into the database.

**HB 0054 (Swafford)** creates the Class A misdemeanor offense of the act of an owner of intellectual property seizing property alleged to be counterfeit or imitation. It permits seizures by law enforcement officers as currently provided by law.



*Rep. Maggart*

**HB 0621 (Maggart)** provides that a person convicted of “indecent exposure” is required to register with the Sexual Offender Registry (SOR) (regardless of the number of convictions) when the victim of the offense is less than 13 years of age.

**HB 0626 (Maggart)**, as amended, provides that, in animal cruelty

prosecutions, if the defendant does not post a security bond to pay for the expense of caring for the animal, then the animal is forfeited and the defendant loses all ownership rights. Amendment #1 clarifies that the governmental agency to be involved is a certified animal control agency.

**HB 1820 (Maggart)** permits the Tennessee Bureau of Investigation to digitize sex offender files and provides that a digitized copy of the original is the same as the original for all purposes, including its introduction into evidence in a judicial or administrative proceeding.

**HB 0623 (Maggart)**, as amended, establishes the venue for a sex offender’s violation of supervision as the county where the offender was being supervised at the time of the violation and permits the probation office to be the affiant for purposes of obtaining an affidavit of complaint. Senate Amendment #1 states that the venue to determine the violation may be at the discretion of the supervising agency.

**HB 0268 (Watson)**, as amended, clarifies that “victims” (rather than “petitioners”) are not required to

pay court costs and fees in their application for orders of protection. Amendment #1 makes the bill.

**HB 0284 (Watson)**, as amended, provides that possession of more than 20 grams of an immediate methamphetamine precursor within a 30-day period is prima facie evidence of the intent to promote methamphetamine manufacture. Amendment #1 makes the bill.

**Rolled:**

HB 0314 (Matheny): 1 week.  
HB 0517 (Shaw): 2 weeks.  
HB 0520 (Shaw): 2 weeks.  
HB 1663 (Todd): 4 weeks.  
HB 0250 (Carr): 1 week.  
HB 0798 (Campfield): April 1<sup>st</sup>.  
HB 0823 (Campfield): April 1<sup>st</sup>.  
HB 0525 (Coley): 2 weeks.  
HB 0526 (Coley): 2 weeks.  
HB 1120 (Haynes): 1 week.  
HB 0584 (Fincher): 2 weeks.  
HB 1395 (Evans): April 1<sup>st</sup>.  
HB 1209 (Watson): 2 weeks.  
HB 0263 (Watson): 2 weeks.  
HB 0264 (Watson): 2 weeks.  
HB 0266 (Watson): 2 weeks.

**Taken Off Notice:**

HB 1675 (Windle).



*Rep. Watson*

# state & local government

Lawrence Hall, Jr.

This week in State and Local's full committee, the members considered 12 bills. Of those bills, 7 were passed to Calendar and Rules and 2 were passed to Finance, Ways and Means.



*Chairman Todd*

practicing attorneys from being nominated, commissioned or serving as, sheriff and instead prohibits a person from engaging in the practice of law or serving as a member of the general assembly while serving as sheriff.



*Rep. Borchert*

## *Calendar and Rules:*

### **HB 278 by Fincher**

- designates "agate" as the official state mineral.

### **HB 580 by Fincher**

- designates "milk" as the official state beverage.

### **HB 274 by Dean**

This bill revises archaic language prohibiting members of the general assembly and

### **HB 402 by**

**Borchert** – Allows Henry County to abolish the office of constable or remove law enforcement powers of constables upon two-thirds vote of the local governing body.

### **HB 533 by Rep.**

**Dunn** – This bill, as amended, deletes the sunset provision established for the computer conferencing pilot project in Knox

County. The bill also makes the provisions permissible statewide.

**HB 643 by Rep. Montgomery** – This bill expands the property tax exemption for low-cost housing to include current tax-exempt property refinanced under comparable federal grant programs, provided the property continues to meet specific criteria for such programs.

**HB 1168 by Ramsey** – This bill clarifies that a member of the county legislative body does not have to resign membership as a commissioner to be nominated for certain offices or vacancies that are required to be filled by the county legislative body.

## *Finance, Ways and Means:*

**HB 1211 by Eldridge** – This bill clarifies the definition of the term "project" as it relates to central business improvement districts.

**HB 1477 by Montgomery** – Designates the TBI headquarters in Nashville as the "Arzo Carson TBI State Office Building."

## *Rolled Bills:*

**HB 443 by Borchert** – 2 weeks

**HB 563 by Kelsey** – 2 weeks

**HB 1391 by Tindell** – 1 week

## **State Government Subcommittee**

This week in State Government Subcommittee, there were 11 bills on the calendar and three were passed to full committee. All other bills were deferred to a later calendar.

## *Full Committee:*

**HB 1653 by Armstrong** - Authorizes former members of the general assembly to retain their legislative electronic mail accounts for up to one year from the last official day of service.

**HB 305 by Sargent** – This bill revises exemptions from obtaining continuing education and filing requirements for professional planners whose duties include advising planning commission or boards of zoning appeals if such

planners are members of the American Institute of Certified Planners.

**HR 30 by Tindell** - Approves 2009-2010 501(c)(3) annual events by the house of representatives.

*Rolled Bills:*

**HB 38 by Hardaway** – 2 weeks

**HB 129 by Hardaway** – 2 weeks

**HB 204 by Matheny** – 1 week

**HB 813 by Campfield** – 1 week

**HB 23 by Hardaway** – Off Notice

**HB 1850 by Dunn** – 1 week

**HJR 5 by Hardaway** – 2 weeks

**HB 395 by Fincher** – 2 weeks

**Local Government Subcommittee**

This week in Local Government Subcommittee, there were 17 bills on the calendar. The following 11 bills were passed to full committee:

**HB 273 by Dean** – This bill clarifies that any provision of law or charter provision that requires a county or municipality to sell surplus property by public auction will also include sale by Internet auction.

**HB 347 by Hackworth** - Authorizes a city or county to conduct a criminal background check on an applicant for a beer permit.



*Rep. Casada*

maintenance or make improvements to its existing public works system.

**HB 2043 by McCord** – This adds East Fork Stables in Fentress County to the definition of premier type tourist resort.

**HB 225 by Casada**

- This bill modifies certain public notice requirements pertaining to regional planning and municipal planning.

**HB 956 by**

**McCord** - Specifies that a local government entity is authorized to conduct public works projects in the territory of another local government in order to perform

**HB 1357 by Carr** - Allows municipalities to take a special census at their own expense any time between the regular decennial federal censuses.

**HB 291 by Sargent** – This bill expands the powers of the Greater Nashville regional council to include owning or leasing real and personal property as necessary to fulfill the duties and responsibilities of the regional council.

**HB 304 by Sargent** – This bill deletes the current exemption for compliance with platting regulations for the division and plats of land partitioned by the owners among themselves either in court or by deeds.

**HB 1177 by Sargent** - Specifies that if spouses file a joint federal income tax return the income of a property owner's spouse is attributable to the property owner for purposes of determining whether the property is eligible for property tax relief for elderly or disabled homeowners.

**HB 306 by Sargent** - Revises the time frame for the approval or disapproval of a plat by the municipal planning commission.

**HB 307 by Sargent** - Allows platting regulations to provide for an assessment or other method for certain improvements to be provided by the appropriate governmental entity at cost to owners of the property in a subdivision, instead of completion of work prior to final approval of a plat.

*Rolled Bills:*

**HB 1549 by Casada** – 1 week

**HB 1160 by Fraley** – 1 week

**HB 1609 by Litz** – 1 week

**HB 108 by Lundberg** – 2 weeks

**HB 309 by Sargent** – Annexation Special Calendar

**HB 310 by Sargent** – 3 weeks

**Elections Subcommittee** did not meet this week.





*Chairman Harmon*

## The House Transportation Committee

convened March 10, 2009. There were eight bills on the calendar.

**HB1 (J. Cobb)** was passed by the committee and referred to the **Calendar and Rules Committee**.

It changes the number and type of pilot projects permissible under Tennessee Tollway Act to allow: (1) a

single highway project and single major bridge project, (2) two highway projects or (3) two major bridge projects.

The following bills were passed by the committee and referred to the **Finance, Ways and Means Committee**:

**HB294 (Bone)** – “1st Lt. Frank B. Walkup, IV Memorial Bridge,” SR 145 in Cannon County.

**HB343 (Bone)** – “Howell Wayne Burns Memorial Bridge” signs on a bridge over Goose Creek on State Route 141 in Metropolitan Hartsville and Trousdale County.

**HB440 (McDaniel)** – “Joe ‘Buddy’ Bailey Memorial Bridge” signs on a bridge on State Route 227 in Wayne County. An amendment was adopted to require the signs be paid for by non-state funds.

**HB470 (Shepard)** – “William Fiser Memorial Bridge” signs on a bridge over Big Barton’s Creek on State Route 48 in Dickson County.

**HB75 (Shepard)** – “Lance Corporal Jeffrey Adam Bishop Memorial Highway” highway signs on a segment of U.S. 70 in Dickson County.

**HB1463 (Casada)** – “Sam Cliff Smithson, Sr. Memorial Highway” highway signs on segment of U.S. Highway 431 in Williamson County.

**HB1272 (Maggart)** – Names portion of road between Tennessee fire service and codes enforcement academy

administration building and the academy’s fire station the “Helen J. Brown Boulevard.”

After the completion of the calendar, the committee heard a presentation by the Department of Safety Commissioner Dave Mitchell. He gave an overview of and updates on many of the department’s programs initiatives.

## Rural Roads Subcommittee

The **Rural Roads Subcommittee** met March 10, 2009 to consider 17 bills.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

**HB1494 (Hensley)** – “Bobby James Killen Memorial Bridge” signs for a bridge on State Route 227 in Lawrence County.

**HB16 (Swafford)** – “Vietnam War Memorial Highway” highway signs on a segment of I-40 in Cumberland County.

**HB453 (McDonald)** – “Cora Cline Memorial Highway” highway signs on a segment of State Route 174 in Sumner County.

**HB372 (Ford)** – “James Lesley Isenberg Memorial Bridge” signs for a bridge over Cedar Creek on State Route 75.

**HB1929 (Ford)** – “Bob Good Memorial Bridge” signs for a bridge at the Interstate 26 and State Route 381 interchange in Washington County.

**HJR78 (Winningham)** – “Richard Noe Bridge” signs for a bridge on I-75 in Anderson County.

**HB336 (Carr)** – “Thomas Hutchinson Bridge” signs for a bridge on U.S. Highway 231 in Rutherford County.

**HB415 (Windle)** – Directs TDOT to install flashing caution traffic signals at the intersection of State Route 111 and State Route 293 in Overton County. The sponsor agreed with the committee to hold the bill in the full Transportation Committee, pending the completion of a study of this intersection.

**HB1581 (Matheny)** – “Bob Couch Highway” highway signs on a segment of U.S. Highway 41A in Coffee County.

**HB487 (Tidwell)** – “Corporal David Carroll Westbrooks Memorial Highway” highway signs on a segment of S.R. 13 in Perry County.

**HB488 (Tidwell)** – “Veterans Memorial Highway” highway signs on a segment of U.S. 412.

**HB491 (Tidwell)** – “Sheriff Elmer Garner Memorial Bridge” signs for a bridge on S.R. 13 in Perry County.

**HB602 (Tidwell)** – Designates a bridge on United States Highway 412 in Maury County the “Jack and Florence Cecil Memorial Bridge.”

**HB1934 (Tidwell)** – “Dr. Gordon Turner Memorial Highway” highway signs on a segment of State Route 13 in Perry County.

**HB2375 (McCord)** – Designates a portion of U.S. Highway 441 (Newfound Gap Road) in Sevier County as scenic highway.

**HB1128 (Matheny)** was held on the desk.

**HB562 (Kelsey)** failed by a vote of the committee.



### **Public Safety Subcommittee**

The **Public Safety & Rural Roads Subcommittee** met March 10, 2009 to consider 13 bills.

**HB18 (Swafford)**, **HB685 (Cooper)** and **HB886 (Cooper)** were rolled for one week.

**HB1511 (Todd)** and **HB107 (Lundberg)** were rolled for two weeks.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

**HB366 (Matheny)** – Authorizes issuance of new specialty earmarked license plates for Tennessee Off-Highway Vehicle Association. The bill earmarks proceeds from such plates for such organization.

**HB576 (Eldridge)** – Authorizes issuance of a new specialty earmarked license plate for United Way. The bill allocates revenue from sale of such plates to the United Way of Tennessee.

**HB1624 (McCord)** – Exempts from the definition of heliport in a tourist resort county, land on private property used for landing a privately owned and operated helicopter for private purposes on a limited basis which is never used by or for commercial helicopter touring.

**HB1116 (Dean)** – Creates new specialty earmarked plate for national Fraternal Order of Police members. An amendment was adopted to allow for a motorcycle FOP plate.

**HB985 (McManus)** – As amended, allows owners of antique motor vehicles to drive their antiques vehicles on public highways for the purpose of selling, testing the operation of, or obtaining repairs to or maintenance on the vehicle.

**HB1187 (Matlock)** – Broadens prohibitions on window tinting to any motor vehicle operated on public highway, rather than only to those registered in Tennessee. The bill has an exemption for motor vehicles registered in another state that comply with requirements of such state.

**HB384 (Ford)** – Extends application deadline for Appalachian Trail new specialty license plate until June 30, 2010.

**HB2006 (McDonald)** – Authorizes issuance of cultural license plates for University of Illinois.

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